

## MINUTES OF REGULAR MEETING January 5, 2010

**CALL TO ORDER**

Mayor Bischoff opened the meeting at 7:20 p.m.

**“Sunshine Law” Announcement:** Adequate notice of this public meeting has been provided by the Annual Notice; mailed electronically to the Hunterdon Democrat and Courier News; posted on the public bulletin board and on file in the Municipal Clerk’s Office.

**FLAG SALUTE**

**ROLL CALL - Present:** Mr. Severino, Mr. Bischoff, Mr. Mazza, Mrs. Dziubek, Michele McBride

Absent:

Others Present: J. Peter Jost, Esq., Ella M. Ruta Municipal Clerk,

**APPROVAL OF PRIOR MEETING MINUTES**

Regular and Executive Session I & II Meeting Minutes of December 15, 2010.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Bischoff			X			
Mr. Mazza			X			
Mrs. Dziubek	X		X			
Ms. McBride					X	

Motion carried.

**VISITORS**

Steve Heyman – Pattenburg Trailer Park owner, not present

**REPORTS RECEIVED**

- Road Dept - Weeks Ending 12/10/10; 12/16/10; 12/23/10; 12/31/10
- Tax Collector – December 2010
- Animal Control Officer – December 2010

**CORRESPONDENCE/WRITTEN COMMUNICATIONS**

Ms. McBride mentioned the following correspondence: none

Mrs. Dziubek mentioned the following correspondence:

- HC Information Services Re: Shared Services of Web and Email Hosting. Mrs. Dziubek will contact Mr. Thurgarland, at the Hunterdon County Information Dept. to discuss.
- Stuart Koenig Re: NJ Council on Affordable Housing. Letter discusses impending legislation and possible impact to Union Township.
- JCP&L, Notice – 2011 Vegetative Maintenance Activities. Letter and map for planned tree trimming.

Mr. Mazza mentioned the following correspondence: None

**MINUTES OF REGULAR MEETING January 5, 2010**

Mr. Severino mentioned the following correspondence: None

Mr. Bischoff mentioned the following correspondence:

- NJ Mayors Advisory, Re: CY 2011 Budget COLA Rate. The CFO will review and explain to the Committee at a future meeting.
- NJ Mayors Advisory, Re: Disaster Management Reimbursement for December 2010 Snow Emergency. The CFO and Road Foreman are gathering information.

**PUBLIC COMMENTS**

Pat Lingelbach, Main Street, Jutland – Congratulations to newly elected official and Governing Body members in their new positions.

**PUBLIC HEARING****OLD BUSINESS**

**Discussion** – The Proposed Renewable Energy Ordinance. Planning Board to review.

**Approval:** Extension to the Merlin's Pest Control, LLC contract to cover grass shed and pavilion at Finn Road Park.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Bischoff			X			
Mr. Mazza		X	X			
Mrs. Dziubek	X		X			
Ms. McBride			X			

Motion carried.

**NEW BUSINESS**

- a. The following resolution was introduced for adoption:

**RESOLUTION #2011-20**  
**TOWNSHIP OF UNION, HUNTERDON COUNTY**  
**Authorizing Contract for Legal Services 2011 – J. Peter Jost, Esq.**

WHEREAS, the Township of Union has a need to acquire legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the acquisition will exceed \$17,500; and

WHEREAS, anticipated term of this contract is one year; and

WHEREAS, J. PETER JOST, ESQ. has submitted a proposal indicating the fee for all other legal services rendered shall be \$167.50 per hour; and

## MINUTES OF REGULAR MEETING January 5, 2010

WHEREAS, J. PETER JOST, ESQ. has completed and submitted a Business Entity Disclosure Certification which certifies that J. PETER JOST, ESQ. has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit J. PETER JOST, ESQ. from making any reportable contributions through the term of the contract; and

WHEREAS, the Township Chief Financial Officer has certified to the governing body the availability of funds for said contract in a line item entitled Legal Services, OE; and

NOW THEREFORE, BE IT RESOLVED by the Township Committee authorizes the Mayor and Clerk to enter into a contract with J. PETER JOST, ESQ. as described herein; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this resolution; and

BE IT FURTHER RESOLVED that a Notice of this action shall be printed once in the Hunterdon County Democrat.

Date: January 5, 2011

## CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, Chief Finance Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2011 Temporary/Adopted Budget to award a contract to J. Peter Jost, as appropriated under the line item "\_\_\_\_\_".

Date: \_\_\_\_\_

\_\_\_\_\_  
Grace M. Brennan, CFO

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino	X		X			
Mr. Bischoff			X			
Mr. Mazza		X	X			
Mrs. Dziubek			X			
Ms. McBride			X			

Motion carried.

b. The following resolution was introduced for adoption:

**RESOLUTION #2011-21**  
**UNION TOWNSHIP; HUNTERDON COUNTY**  
**RESOLUTION AUTHORIZING CONTRACT FOR LEGAL SERVICES 2011**  
**John W. Thatcher, Esq., Special Counsel**

WHEREAS, the Township of Union has a need to acquire legal services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the maximum amount of the contract may exceed the threshold amount established pursuant to N.J.S.A.40A:11-3(b); and

## MINUTES OF REGULAR MEETING January 5, 2010

WHEREAS, funds are available in an appropriation entitled Legal Services and Costs, Other Expenses and have been certified by the local finance officer; and

WHEREAS, John W. Thatcher, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that John W. Thatcher, LLC has not made any reportable contributions to a political or candidate committee in the Township of Union in the previous one year, and that the contract will prohibit John W. Thatcher, LLC from making any reportable contributions through the term of the contract; and

WHEREAS, the Local Public Contracts Law (N.J.S.A.40A:11-1, et seq.) required that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection;

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Union, Hunterdon County, NJ, as follows:

1. The Mayor and Clerk are hereby authorized and directed to execute the attached agreement with John W. Thatcher, Esq. of John W. Thatcher, LLC a Professional Corporation, 39 Main Street, Clinton, New Jersey 08809 for legal services for 2011.
2. This contract is awarded without competitive bidding as a "Professional Service" in accordance with 40A:11-5(1)(a) of the Local Public Contracts Law because John W. Thatcher, Esq. is an attorney at Law of the State of NJ in good standing and is a person authorized to practice a recognized profession.
3. Approval of the attached contract is subject to availability and appropriation of sufficient funds as may be required in the 2011 temporary/adopted municipal budget(s).
4. A Notice of this action shall be printed once in the official newspaper of this municipality.

Date: January 5, 2011

## CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, CFO of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2011 Temporary/Adopted Budget to award a contract to John W. Thatcher, Esq., as appropriated under the line item "Legal".

Date: \_\_\_\_\_

\_\_\_\_\_  
Grace M. Brennan, CFO

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Bischoff			X			
Mr. Mazza		X	X			
Mrs. Dziubek	X		X			
Ms. McBride			X			

Motion carried, subject to attorney review.

c. The following resolution was introduced for adoption:

**RESOLUTION #2011-  
UNION TOWNSHIP, HUNTERDON COUNTY  
Authorizing Contract for Planning Consultant Services 2011  
Clarke-Caton-Hintz/Carl E. Hintz, PP**

Resolution tabled until action by the UT Planning Board.

d. The following resolution was introduced for adoption:

**RESOLUTION #2011-22  
  
UNION TOWNSHIP, HUNTERDON COUNTY  
2011 PROFESSIONAL SERVICE CONTRACT/ENGINEERING SERVICES  
Robert Clerico P.E.; Van Cleef Engineering Associates**

WHEREAS, the Township of Union has a need to acquire engineering services as a non-fair and open contract pursuant to the provisions of N.J.S.A.19:44-A-20.5; and

WHEREAS, the Chief Financial Officer has determined that the value of the services will exceed \$17,500; and

WHEREAS, the firm of Van Cleef Engineering Associates, 1128 Route 31, Lebanon, NJ 08833, has completed and submitted a Business Entity Disclosure Certification which certified that Van Cleef Engineering Associates, has not made any reportable contributions to a political or candidate committee in the township of Union in the previous one year, and that the contract will prohibit Van Cleef Engineering Associates from making any reportable contributions through the term of the contract; and

NOW, THEREFORE, BE IT AGREED by and between the Township of Union and Van Cleef Engineering Associates as follows:

1. The Engineer shall be compensated at the hourly rate for all engineering services rendered as needed or requested by the Township Committee, Planning Board/Board of Adjustment, or other Township agencies.
2. Engineering services may be performed for the Township by other principals and employees of the firm of Van Cleef Engineering Associates under the direct supervision of Robert Clerico, P.E., when Robert Clerico, P.E. is unavailable or when otherwise necessary and desirable.
3. This agreement shall cover the period from January 1, 2011, to December 31, 2011.
4. The Township Engineer agrees that no services are to be performed unless specific approval is granted by an appropriate Township official either verbally or in writing.
5. An Affirmative Action Employee Information Report is attached and is part of this agreement. In addition, a copy of Exhibit A, Mandatory Affirmative Action Language, and business Disclosure Entity Certification and the Determination of Value are attached and also part of this agreement.
6. Van Cleef Engineering Associates will carry, at its expense, during the appointment period professional liability insurance.

## MINUTES OF REGULAR MEETING January 5, 2010

7. If any provision or part thereof of this agreement is held to be void or unenforceable under any law and shall be deemed stricken all remaining provisions shall nevertheless continue to be valid and binding upon the parties. The parties agree that this agreement shall be reformed to replace such stricken provision or part thereof with a valid and enforceable provision which comes as close as possible to expressing the intention of the stricken provision.

8. A notice of this action shall be printed once in the official newspaper.

Date: January 5, 2011

## CERTIFICATION AS TO AVAILABILITY OF FUNDS

As required by N.J.S.A. 40A:4-57, N.J.A.C. 5:34-5.1 et seq., I, Grace M. Brennan, Chief Financial Officer of the Township of Union, have ascertained that there are available sufficient uncommitted appropriated funds in the 2011 Temporary/Adopted Budget to award a contract to Van Cleef Engineering Associates, under the line item "Engineering".

Date: \_\_\_\_\_

\_\_\_\_\_  
Grace M. Brennan, CFO

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Bischoff			X			
Mr. Mazza		X	X			
Mrs. Dziubek	X		X			
Ms. McBride			X			

Motion carried, subject to attorney review.

e. The following resolution was introduced for adoption:

**RESOLUTION #2011-23**  
**TOWNSHIP OF UNION, HUNTERDON COUNTY**  
**RESOLUTION TO TRANSFER OVERPAID 2010 TAXES TO 2011 TAXES**

**WHEREAS**, the following properties have overpaid 2010 taxes; and

**WHEREAS**, there are 2011 taxes receivable for these properties.

**NOW, THEREFORE, BE IT RESOLVED**, on this 19th day of January 2011, by the Township Committee of the Township of Union, Hunterdon County, State of New Jersey, as follows:

1. The Tax Collector shall transfer the following overpaid 2010 taxes to 2011 taxes receivable:

<u>Block</u>	<u>Lot</u>	<u>Qual</u>	<u>Amount</u>
1.05	24		\$ 10.45
1.08	23.01		9.00
1.09	15		250.00
4	1.03		.05
4	3.04		.62
4	3.05		.10
5	16.04		19.13

## MINUTES OF REGULAR MEETING January 5, 2010

6	4	QFARM	129.41
6	9	QFARM	87.19
7	9		31.14
9	3	QFARM	68.96
11	4.01		90.00
12	5.01		54.00
15	3.01		31.43
15	4.03		3,310.46
15	27.02		.25
15	36		21.98
15.01	11		1,506.23
16.01	4.13		16.56
16.01	4.31		2,139.97
16.01	4.35		2,840.98
17	1.01		.08
17	4.10		.10
17	6.04		4.24
18	11		13.37
19	5		2.24
19	11.09		40.13
22	31.06		9.41
22	37.02		2,930.00
22.02	26		.10
24	2	C0503	10.93
24	2	C0505	1,523.21
24	2	C1411	3.58
24	2	C2216	100.00
24	2	C3301	864.86
25	2.06		45.36
25	35	BLDG	567.85
25	35	QFARM	262.27
28	12		3,516.51
28	12	QFARM	217.44
28	27.06		2,422.71
28	31	QFARM	24.93
29	17		4,062.90
29	17	QFARM	207.06
30	6.02		1,755.61
30	20		.11
30	26		5.15

2. This Resolution shall take effect immediately upon adoption.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Bischoff			X			
Mr. Mazza		X	X			
Mrs. Dziubek	X		X			
Ms. McBride			X			

Motion carried.

## MINUTES OF REGULAR MEETING January 5, 2010

f. The following resolution was introduced for adoption:

**RESOLUTION #2011-24**  
**TOWNSHIP OF UNION, HUNTERDON COUNTY**  
**RESOLUTION TO REFUND REDEMPTION TO LIENHOLDER**

**WHEREAS**, Tax Sale Certificate #09-04 was issued on September 24, 2009, to Tad J Dabrowski, in the amount of \$562.08 for delinquent 2008 taxes on Block 22, Lot 18.02; and

**WHEREAS**, Tax Sale Certificate #09-05 was issued on September 24, 2009, to Tad J Dabrowski, in the amount of \$146.43 for delinquent 2008 taxes on Block 22, Lot 28, Qual.C0132; and

**WHEREAS**, Tad Dabrowski has paid additional delinquent taxes on B22, L18.02 in the amount of \$255.18 and on B22, L28, Q0132 in the amount of \$121.19, which were not included in the redemption amount; and

**WHEREAS**, the additional amount of delinquent taxes should be refunded to the lienholder.

**NOW, THEREFORE, BE IT RESOLVED**, on this 5th day of January, 2011, by the Township Committee of the Township of Union, Hunterdon County, State of New Jersey, as follows:

1. That the Treasurer issue a check in the amount of \$376.37 payable to Tad J. Dabrowski, 329 Durham Avenue, So. Plainfield, NJ 08850-0083.
2. That this Resolution shall take effect immediately upon adoption.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Bischoff			X			
Mr. Mazza		X	X			
Mrs. Dziubek	X		X			
Ms. McBride			X			

Motion carried.

g. The following resolution was introduced for adoption:

**RESOLUTION #2011-25**  
**TOWNSHIP OF UNION, HUNTERDON COUNTY**  
**RESOLUTION TO REFUND OVERPAYMENT OF 2009 ADDED ASSESSMENT TAXES ON**  
**BLOCK 11, LOT 8.23**

**WHEREAS**, the County Board of Taxation issued a judgment on December 15, 2010, for Block 11, Lot 8.23; and

**WHEREAS**, the Tax Collector certifies that the adjustment has resulted in an overpayment of \$11,725.41, which was paid by Wells Fargo Home Mortgage; and

**WHEREAS**, the property owner has requested a refund.

**NOW, THEREFORE, BE IT RESOLVED**, on this 5th day of January 2011, by the Township Committee of the Township of Union, Hunterdon County, State of New Jersey, as follows:



## MINUTES OF REGULAR MEETING January 5, 2010

3. The CFO shall refund the amount of \$11,725.41 to Wells Fargo Read Estate Tax Service, LLC, Attn: Financial Support Unit – Region 1, 1 Home Campus, MAC X2302-024D, Des Moines, IA 50328-0001.
4. This Resolution shall take effect immediately upon adoption.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Bischoff			X			
Mr. Mazza		X	X			
Mrs. Dziubek	X		X			
Ms. McBride			X			

Motion carried.

- h. The following resolution was introduced for adoption:

**RESOLUTION #2011-26**  
**TOWNSHIP OF UNION, HUNTERDON COUNTY**  
**RESOLUTION TO REFUND OVERPAYMENT OF 2009 ADDED ASSESSMENT TAXES ON**  
**BLOCK 17, LOT 8.01**

**WHEREAS**, the County Board of Taxation issued added assessment appeal judgments for Block 17, Lot 8.01, were confirmed on December 18, 2009, but were not processed until December 30, 2010; and

**WHEREAS**, the Tax Collector certifies that the adjustment has resulted in an overpayment of \$307.73; and

**WHEREAS**, the property owner has requested a refund.

**NOW, THEREFORE, BE IT RESOLVED**, on this 5th day of January 2011, by the Township Committee of the Township of Union, Hunterdon County, State of New Jersey, as follows:

5. The CFO shall refund the amount of \$307.73 to Libby and Rob L Haynes, 2 Baptist Church Road, Hampton, NJ 08827.
6. This Resolution shall take effect immediately upon adoption.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Bischoff			X			
Mr. Mazza		X	X			
Mrs. Dziubek	X		X			
Ms. McBride			X			

Motion carried.

- i. The following resolution was introduced for adoption:

**RESOLUTION #2011-27**  
**RESOLUTION AUTHORIZING CONTINUATION OF A**  
**SHARED SERVICE AGREEMENT WITH THE TOWNSHIP OF CLINTON**  
**REGARDING COAH LEGAL CHALLENGE**

**MINUTES OF REGULAR MEETING January 5, 2010**

**WHEREAS**, Township of Union in Hunterdon County together with other municipalities, entered into a shared service agreement with the Township of Clinton in order to pursue a legal challenge against the latest regulations of the Council on Affordable Housing; and

**WHEREAS**, the litigation resulted in the invalidation of the COAH regulations, but left a number of issues unresolved; and

**WHEREAS**, municipalities in the litigation group have decided to Petition the New Jersey Supreme Court seeking a review of the Mount Laurel Doctrine and other issues in the case; and

**WHEREAS**, Township of Union desires to join in the effort to bring the matter before the Supreme Court.

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of Township of Union in Hunterdon County, State of New Jersey that it does hereby authorize continuation of the shared services agreement with the Township of Clinton for the purposes above stated, and does hereby agree to pay the sum of \$3,000.00 to be administered by the Township of Clinton for such purposes; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution, certified by the Township Clerk to be a true copy, be forwarded to Donna Burham, Clinton Township Clerk, and Stuart R. Koenig, Esq., Special Counsel.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Bischoff			X			
Mr. Mazza	X		X			
Mrs. Dziubek		X	X			
Ms. McBride			X			

Motion carried.

**NEW ORDINANCE – 1<sup>st</sup> Reading****NOTICE**

**Please Take Notice** that the following Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 5th day of January, 2011. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage at a public hearing to be held on the 2nd day of February, 2011, at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, at which time all interested parties will be heard.

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Ella Malecki Ruta, Municipal Clerk

**ORDINANCE NO. 2011-1**

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF UNION,  
HUNTERDON COUNTY, STATE OF NEW JERSEY REGARDING PARK REGULATIONS**

**BE IT ORDAINED** by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey that Section 9-1.1, Park Regulations, Chapter IX of the Code of the Township of Union is hereby amended to add the following additional subsection:

**9-1.1 Park Regulations.** (add the following):

## MINUTES OF REGULAR MEETING January 5, 2010

bb. Ride or jump a horse over any horse jump, except with the express written prior permission of the Township of Union pursuant to a written agreement between the Township Committee and a responsible organization providing a liability insurance certificate and indemnification agreement in a form and amount required by Township park permit regulations.

cc. Drive or park any vehicle designed to transport or carry horses except on designated park roads or parking areas, or areas that may, on occasion, be specifically designated as temporary access or parking areas for parking or driving of horse transportation vehicles by the Township Parks Committee or Park staff. Drive or park any horse transportation vehicle in such a manner as to interfere with use of the park or safety of others.

dd. Sweep the contents of any horse trailer onto Township property.

**V. Severability.** In the event that it is determined, by a Court of competent jurisdiction, that any provision or section of this Ordinance is unconstitutional, all other sections and provisions shall remain in effect. This Ordinance shall take effect immediately, unless otherwise provided by Resolution of the governing body.

**VI. Repealer.** All Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

**VII. Effective Date.** This Ordinance shall take effect after final passage, adoption and publication according to law.

**Attest:**

\_\_\_\_\_  
Ella Malecki Ruta, Clerk

\_\_\_\_\_  
William Bischoff, Mayor

First Reading: January 5, 2011  
Publication: January 13, 2011  
Public Hearing/  
Adoption: February 2, 2011  
Published by Title February 10, 2011

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Bischoff			X			
Mr. Mazza			X			
Mrs. Dziubek		X	X			
Ms. McBride	X		X			

Motion carried to adopt the above ordinance on 1<sup>st</sup> reading.

**NOTICE**

**Please Take Notice** that the following Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the 5<sup>th</sup> day of January, 2011. The Ordinance was then ordered to be published according to law. Notice is hereby given that the said Ordinance will be considered for final passage at a public hearing to be held on the 2<sup>nd</sup> day of February, 2011, at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, at which time all interested parties will be heard.

\_\_\_\_\_  
Ella Malecki Ruta, Municipal Clerk

**ORDINANCE 2011 - 2**  
**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF UNION, HUNTERDON**  
**COUNTY, NEW JERSEY CREATING THE POSITION OF DEPUTY**  
**ZONING OFFICER**

BE IT ORDAINED by the Township Committee of the Township of Union, in the County of Hunterdon, State of New Jersey that the Union Township Code, Section 2-17, ZONING OFFICER, is amended to add the following subsection:

**I. 2-17.2 Deputy Zoning Officer Position Established.**

The position of Deputy Zoning Officer is hereby established. The Deputy Zoning Officer shall be appointed for a term of one (1) year. The Deputy Zoning Officer shall operate under the supervision and control of the Zoning Officer and shall exercise the powers and duties of the Zoning Officer when so authorized by the Zoning Officer or the Township Committee.

- II. Severability.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.
- III. Repealer.** All Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.
- IV. Effective Date.** This Ordinance shall take effect after final passage, adoption and publication according to law.

**Attest:**

\_\_\_\_\_  
 Ella Malecki Ruta, Clerk

\_\_\_\_\_  
 William Bischoff, Mayor

First Reading: January 5, 2011  
 Publication: January 13, 2011  
 Public Hearing/  
 Adoption: February 2, 2011  
 Published by Title February 10, 2011

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Bischoff			X			
Mr. Mazza			X			
Mrs. Dziubek	X		X			
Ms. McBride			X			

Motion carried to adopt the above ordinance on 1<sup>st</sup> reading.

**NOTICE**

**Please Take Notice** that the following Ordinance was adopted on first reading by the Township Committee of the Township of Union, County of Hunterdon, State of New Jersey, at a meeting held on the January 5<sup>th</sup> day of January, 2011. The Ordinance was then ordered to be published according to law. Notice is

hereby given that the said Ordinance will be considered for final passage at a public hearing to be held on the 2<sup>nd</sup> day of February, 2011 at 7:00 p.m., or as soon thereafter as the matter may be reached, at the Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, at which time all interested parties will be heard.

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Ella Malecki Ruta, Municipal Clerk

**ORDINANCE 2010-3**  
**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP OF UNION, HUNTERDON**  
**COUNTY, NEW JERSEY REGARDING THE**  
**POSITION OF MUNICIPAL PROSECUTOR**

BE IT ORDAINED by the Township Committee of the Township of Union, in the County of Hunterdon, New Jersey that Section 2-31 of the Township of Union Code, Municipal Court, is hereby amended as follows:

**I. 2-31. MUNICIPAL COURT,** add the following subsection:

**2-31.7 Municipal Prosecutor.**

a. The governing body of Union Township may employ an attorney at law as a Prosecutor, under the supervision of the County Prosecutor, who may represent the municipality in any matter within the jurisdiction of the Union Township Municipal Court, in accordance with P.L. 1999, c. 49 (N.J.S.A. 2B:25-1 et seq.).

b. The Municipal Prosecutor shall be appointed for a one-year term commencing January 1 and ending December 31, and may continue to serve an office pending reappointment or appointment of a successor.

c. The Municipal Prosecutor shall be compensated as provided in the current salary ordinance and resolution of the Borough, or as otherwise established according to law in the case of a shared Municipal Court.

d. In the case of shared municipal courts, any interlocal agreement with another municipality shall provide for the appointment of the same person as Municipal Prosecutor for said shared courts.

**II. Severability.** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**III. Repealer.** All Ordinances or parts of Ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

**IV. Effective Date.** This Ordinance shall take effect after final passage, adoption and publication according to law.

**Attest:**

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Ella Malecki Ruta, Clerk

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William Bischoff, Mayor

First Reading: January 5, 2011  
Publication: January 13, 2011  
Public Hearing/  
Adoption: February 2, 2011  
Published by Title February 10, 2011

## MINUTES OF REGULAR MEETING January 5, 2010

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Bischoff			X			
Mr. Mazza	X		X			
Mrs. Dziubek		X	X			
Ms. McBride			X			

Motion carried to adopt the above ordinance on 1<sup>st</sup> reading.

**REPORTS**

**Attorney's Report** – Mr. Jost reported the following:

- Accident policy for the recreation program. The Clerk was requested to contact Mr. Tarricone, insurance risk management, to attend the next meeting to briefly explain the accident policy to the Township Committee
- Letter from Maser Consulting re: old Township files. The Road Dept will bring the file boxes to the Municipal Building for storage.
- Received signed farm lease from Mr. Schueing for 2010. Motion for second approval of farm lease.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Bischoff			X			
Mr. Mazza	X		X			
Mrs. Dziubek		X	X			
Ms. McBride			X			

Motion carried.

- Background checks for volunteers, the Attorney will research additional companies providing the service. Mr. Mazza will advise the Recreation Committee of the background checks.
- Billboard litigation is near closure. The appeal of Costal Advertising Group was denied in Third Circuit Court.
- Mr. Severino stated that Trooper Flynn will be at next meeting with the information the Committee requested.

**Mayor's Report**

- Latest figures from the Court for the calendar year 2010, the court contributed \$175,000 to the Township.
- UTEC Newsletter available on the Township website. Congratulations to Mr. LaTournas who worked on the newsletter.
- Invoice received from the Twp. Planner for an unrequested housing fair share amendment review. The invoice was rejected.
- NJ Tree & Shade Commission Tree City USA. The Clerk was asked to provide a copy of the correspondence to UTEC.
- Communication from the Office of the Assistant Secretary of Defense and the New Jersey Committee for Employer Support of the Guard and Reserve whereby we have been honored for our participation and support of the State ESGR program. The Statement of Support for the Guard and Reserve Certificate to be framed and displayed in the Municipal Building as well as be added to the Township website.
- Quote "My reading of history convinces me that most bad government results from too much government." Thomas Jefferson.

**Committee Report**

## MINUTES OF REGULAR MEETING January 5, 2010

Ms. McBride reported the following:

- Copy of letter from Roderick Gilmore, Highway Engineer, re: Rt. 173 parking. The Attorney will review letter with Ms. McBride for clarity
- Energy Efficiency Assessment report will be available in a week for Committee review. The report has to be approved or rejected at the January 19<sup>th</sup> meeting.
- Prepared draft RFP for salvage and demolition specs for the Hoffman House. Copies will be provided to the Committee for their review.

Mr. Mazza reported the following: None

Mrs. Dziubek reported the following: None

### Clerk's Report

- Raffle License #2011-1 Hunterdon County Developmental Center, Inc.; On Premise Merchandise; 06/12/11.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino			X			
Mr. Bischoff			X			
Mr. Mazza		X	X			
Mrs. Dziubek	X		X			
Ms. McBride			X			

Motion carried.

### PUBLIC COMMENTS

- Andy Riehl, 475 CR 579 – Pleased with the composition of the new Township Committee.
- Mayor Bischoff acknowledged presence of the Boy Scouts by signing their attendance sheet.

**PAYMENT OF THE BILLS** – No bills submitted for payment

### EXECUTIVE SESSION

The following resolution introduced for adoption:

#### RESOLUTION #2011-28

**Providing for a Meeting Not open to the Public in Accordance with the Provisions of the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-12**

**WHEREAS**, the Township Committee of the Township of Union is subject to certain requirements of the *Open Public Meetings Act*, N.J.S.A. 10:4-6, et. seq.; and

**WHEREAS**, the *Open Public Meetings Act*, N.J.S.A. 10-4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

**WHEREAS**, it is necessary for the Township Committee of the Township of Union to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

## MINUTES OF REGULAR MEETING January 5, 2010

1. \_\_\_\_\_ *Matters Relating to Litigation, Negotiations and the Attorney-Client Privilege:* Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Union, assembled in Executive session on January 5, 2011 at 8:22 p.m. in the Union Township Municipal Building, 140 Perryville Road, Hampton, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Bischoff			X			
Mr. Mazza	X		X			
Mrs. Dziubek			X			
Ms. McBride			X			

Motion carried.

At 8:24 p.m., the Committee voted to come out of Executive Session

Voice Vote	Moved	Seconded	Ayes	Nays	Abstain	Absent
Mr. Severino		X	X			
Mr. Bischoff			X			
Mr. Mazza			X			
Mrs. Dziubek	X		X			
Ms. McBride			X			

Motion carried.

## OUT OF AGENDA ORDER

Ms. McBride raised the issue of tractor-trailers parking along Route 173. She offered assistance in helping to resolve the issue.

## RETURN TO AGENDA

**ADJOURNMENT** – There being no further business to come before the Township Committee at this time, Mr. Severino made a motion to adjourn. Mr. Mazza seconded the motion. Motion carried by unanimous favorable roll call vote.

Meeting adjourned at approximately 8:25 p.m.

Respectfully submitted,

Ella M. Ruta, RMC  
by Pat Essig  
Administrative Assistant